

Amendment No. 1 to HB4139

DeBerry J
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3569*

House Bill No. 4139

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-117(a), is amended by deleting the subsection in its entirety and by substituting instead the following new subsection:

(a) Unless the parent, the legal parent, or the guardian, or, as provided in subsections (b) and (c), the putative biological father of the child has surrendered parental or guardianship rights to the child, has executed a parental consent that has been confirmed by the court, has waived such person's rights pursuant to § 36-1-111(w), or unless such person's rights have been terminated by the order of a court of competent jurisdiction, the legal parents, guardian of the person of the child or of an adult, the biological mother, and the established father or putative father of the child must be made parties to the adoption proceeding or to a separate proceeding seeking the termination of those rights, and their rights to the child must be terminated by a court to authorize the court to order the adoption of the child or adult by other persons.

SECTION 2. Tennessee Code Annotated, Section 36-1-126(d), is amended by deleting subdivision (5) in its entirety, and by substituting instead the following:

(5)

(A) For purposes related to the determination of eligibility of any adopted person or any person placed for adoption for any federal or state benefit or any other benefits to which they may be entitled, or to provide to a Title IV-D child support office information necessary to verify the status of an adoption for purposes of determining a current or past child

support obligation or for terminating a future obligation for child support, the departments of children's services and finance and administration, or any successor agencies responsible for the care of children in state custody or guardianship or for administration of the finances for children in state custody or guardianship, may open any adoption record, sealed adoption record, sealed record, post-adoption record, sealed home study records, or any adoption assistance record and disclose any information contained in those records that may be necessary to permit determination of:

(i) Eligibility for or correction of payments made to or on behalf of an adopted person; or

(ii) The status of current, past or future child support obligations of child support that are, or may be due, on behalf of any adopted person.

(B) Any information released for any purpose of this subdivision (5) shall be used only for the purposes stated in this subdivision (5), and shall otherwise remain confidential in any agency or court records in which it may appear, and such information shall not be open to the public, except as otherwise provided by this part.

SECTION 3. Tennessee Code Annotated, Section 36-1-113(g), is amended by deleting subdivisions (4) and (5) in their entireties and substituting instead the following language:

(4) The parent or guardian has been found to have committed severe child abuse as defined in § 37-1-102 under any prior order of a court, or is found by the court hearing the petition to terminate parental rights or the petition for adoption to have committed severe child abuse against the child who is the subject of the petition; or if there has been a finding of severe abuse as defined in § 37-1-102 against any other child and such finding as to any other child

occurred within the past ten (10) years of the date of filing of the petition to terminate parental rights or the petition for adoption, and the parent or guardian was not a juvenile at the time of such finding;

(5) The parent or guardian has been sentenced to more than two (2) years' imprisonment for conduct against the child who is the subject of the petition, or any other child as provided in § 36-1-113(g)(4), that has been found under any prior order of a court or that is found by the court hearing the petition to be severe child abuse, as defined in § 37-1-102. Unless otherwise stated, for purposes of this subdivision (g)(5), 'sentenced' shall not be construed to mean that the parent or guardian must have actually served more than two (2) years in confinement, but shall only be construed to mean that the court had imposed a sentence of two (2) or more years upon the parent or guardian;

SECTION 4. Tennessee Code Annotated, Section 36-1-113(g), is further amended by deleting the language "and" at the end of subdivision (8)(C), by adding the language "and" to the end of subdivision (9)(B)(ii), and by adding the following as a new subdivision (10):

(10) The parent has been convicted of aggravated rape pursuant to § 39-13-502 or rape pursuant to § 39-13-503, from which the child was conceived.

SECTION 5. Tennessee Code Annotated, Section 36-1-113(k), is amended by adding the following language to the end of the subsection:

If such a case has not been completed within six (6) months from the date the petition was served, the petitioner or respondent shall have grounds to request that the court of appeals grant an order expediting the case at the trial level.

SECTION 6. This act shall take effect July 1, 2008, the public welfare requiring it.